



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JAN 22 2016

Ref: ENF-L

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joel M. Carson, III, Registered Agent for
Holly Transportation, LLC
400 East College Boulevard, Suite C
Roswell, New Mexico 88201

Re: **Expedited Request for Information** Pursuant to Section 308 of the Clean Water Act
NRC Report No. 1072475

Dear Mr. Carson:

The U.S. Environmental Protection Agency is investigating the release of crude oil that occurred on or about January 30, 2014, near mile marker 105 on Highway 40 in Duchesne County, Utah (NRC No. 1072475). The information we have indicates that the vehicle from which the release occurred is owned and/or operated by Holly Transportation, LLC (the Company).

As part of the EPA's investigation, and pursuant to its authority granted by section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the EPA requests that the Company provide the information requested in this letter related to the above referenced spill. The Certification Statement accompanying the Request for Information must be signed by a duly authorized official attesting to the accuracy and completeness of each response.

Please send the requested information **no later than thirty (30) days** from your receipt of this letter to:

Darla Hohman, (8ENF-UFO)
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

The Request for Information is exempt from the approval requirements of the Paperwork Reduction Act of 1990, 44 U.S.C. § 3501, et seq. Although the information requested must be submitted to the EPA, you may be entitled to assert a confidentiality business claim pursuant to regulations set forth in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If the EPA determines that the information you have designated meets the criteria in 40 C.F.R. § 2.208, the EPA will disclose the information covered by the Company's claim only as allowed by 40 C.F.R. part 2, subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

If the Company is a small business, it may find the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet useful. This information sheet contains information on compliance assistance resources and tools available to small businesses. By including this information sheet, the EPA has not necessarily determined that the Company is a small business. SBREFA does not eliminate the Company's responsibility to respond to this information request.

It is important that the Company respond to this Request for Information. Failure to provide required information could result in civil penalties of up to \$37,500 per day of violation. Criminal consequences are possible in the case of deliberate false statements. *See* 33 U.S.C. § 1319; 18 U.S.C. § 1001.

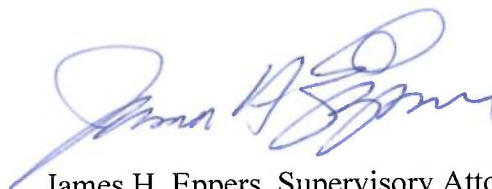
If there are questions concerning this Request for Information, the Company should contact Ms. Hohman at 303-312-6263 or hohman.darla@epa.gov. If the Company is represented by an attorney who has questions, the attorney should contact Abigail Dean, Enforcement Attorney, at 303-312-6106 or dean.abigail@epa.gov.

Thank you for your cooperation and attention to this matter.

Sincerely,



Gwenette C. Campbell, Supervisor
OPA Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Instructions

1. Please provide a separate response to each request (and subpart of a request) set forth in this Request for Information. Please number your response so that each response shows the number of the request to which it corresponds.
2. Please include a copy of each document relied upon or used to answer any of the requests. You must submit copies of all such documents available to you even if you believe they may have been submitted to EPA previously by you or anyone else. Each document must clearly indicate the number of each request to which it responds.
3. If you cannot answer any request in full, please answer to the extent possible. If any response is qualified in any manner, please explain in detail the qualification and the reason for the qualification.
4. If, after answering this request, you learn about or acquire relevant new information or documents, you must send EPA a supplement to your response. If you learn at any time that any portion of your answer is false or misrepresents the truth, you must notify EPA as soon as possible and provide a corrected response.
5. If, in lieu of providing any document, you assert that it is privileged under the attorney-client privilege or any other privilege recognized by federal law, your answer must state the privilege you are asserting, explain the justification for the privilege and identify the document being withheld and its author.

Definitions

Terms used in this Request for Information shall have their ordinary meaning unless defined in the relevant provisions of the CWA, 33 U.S.C. §§ 1321 et seq., and the implementing regulations, 40 C.F.R. Part 112.

“**Discharge**” is defined to include, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

“**Oil**” includes oil in any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

Expedited Request for Information

1. Describe the vehicle from which the oil, pollutant or other material was discharged.
 - a. What is the total oil capacity of the vehicle (omit fuel and oil containers used solely to propel the vehicle)? This means all containers, including mixed use tanks, totes, and barrels, which contain any kind of oil.
2. Provide the name and address of the owner, CEO, president, or other chief official of the Company.
3. State the amount of product discharged (in either barrels or gallons) and describe how that amount was determined.
4. State the type of all product discharged during the incident.
5. State the time, date, and duration of the discharge and describe how these were determined.
 - a. Provide the name and position of the person who discovered the incident and describe how it was discovered.
 - b. State the weather conditions, including temperature, precipitation, cloud cover, etc. at the time of the incident.
6. Describe in detail the cause (e.g., equipment failure, operator error, inadequate procedures or maintenance, etc.) and events leading up to the incident.
7. Describe whether and to what extent the discharge reached or threatened any waterway or body of water (water), or any drainage leading to that water, including any wetlands, marshes or sewers.
 - a. Include the names of all waterways or bodies of water that the discharge reached or threatened. Additionally, list the names of all downstream receiving waterways or bodies of water, regardless of whether the discharge affected the water bodies.
 - b. Describe the overland pathway(s) from the site at which the discharge occurred to a drainage connecting to any water, including direction, elevation and topographic description. Describe any natural or man-made containment that intercepted the flow path (include photos and topographic or other maps of the flow path).
 - c. State the quantity and nature of the discharge that did not reach water and describe how that was determined.
 - d. Describe any film, sheen, discoloration, or iridescent appearance observed on the surface of any water or adjoining shoreline caused by the discharge. Provide the name and contact information for the person who made the observation.

- e. Describe any sludge or emulsion deposited on the adjoining shorelines or beneath the surface of any water impacted by the discharge. Provide the name and contact information for the person who made the observation.
 - f. If the Company takes the position that any water impacted by the discharge is not a “navigable water” as defined in section 502(7) of the CWA, 33 U.S.C. § 1362(7), explain the basis for this position.
8. Describe when and how the discharge was controlled and cleaned up, including the dates and times of each measure to clean up the discharge. Provide photographs of the discharge site both before and after any clean up, as well as copies of any clean-up plans, schedules and reports.
 9. List the federal, state, tribal and/or local authorities notified of the discharge and state when they were notified. Provide the name and phone number of any of their representatives, or any additional persons, who were present at the time of the incident or who you believe have knowledge of the facts surrounding the incident.
 10. Provide a site location map and a drawing or sketch of the discharge site showing the location of the discharge, including longitude and latitude, and the extent of the discharge.
 11. State whether the discharge was in Indian country. If so, describe the land status of all lands impacted by the discharge (e.g. tribal trust, tribally-owned fee, Indian allotment, non-Indian allotment, non-Indian owned fee, other).
 12. Does the vehicle have a Spill Prevention Control and Countermeasures (SPCC) Plan, if required by 40 C.F.R. part 112? If so, please provide a copy of the SPCC Plan.
 13. Submit any additional report(s) or relevant information you have regarding this incident.

Statement of Certification

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Official Title



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.